



Book Review

Citation

Elizabeth Bartholet, Book Review, 33 Harv. Int'l L.J. 649 (1992) (reviewing Cheri Register, "Are Those Kids Yours?": American Families with Children Adopted from Other Countries (1990)).

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Book Review

"ARE THOSE KIDS YOURS?" AMERICAN FAMILIES WITH CHILDREN ADOPTED FROM OTHER COUNTRIES. By Cheri Register. New York: The Free Press 1990. 230 pp. \$22.95 (cloth).

Reviewed by Elizabeth Bartholet*

This book discusses with insight and sensitivity some of the issues involved in international adoption. The author is the parent of two children adopted from South Korea, and she relies both on her own experience and on that of the adoptive families interviewed as part of her research. The discussion is enlightened and enlivened by the stories that these parents and children have to tell.

Register's book should be considered must reading for those in a position to influence the laws and policies governing the adoption of a child from another country, as well as for those directly involved in such adoptions. It is not a "how to" book focused on the logistics of accomplishing an international adoption but is instead designed to provide an understanding of the social, ethical, and political issues involved.

International adoption holds significant potential for human well-being. In the United States and the other well-off nations of the world there are millions of people who want to adopt,¹ and relatively few children available for adoption. In the poorer nations of the world there are millions of children in need of homes, and relatively few adults interested in and capable of adopting them.² International adoption can bring some of these children together with adults who are eager to parent. It can be seen as a particularly positive form of adoption, with prospective parents reaching out to groups of children in real need, rather than fighting over the limited number of healthy white infants available for adoption in this country.

Register's book presents an inspiring picture of families formed by international adoption. These are families whose members must learn to appreciate each other's differences, in terms of racial and cultural heritage, while at the same time they experience their common hu-

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1. In the United States alone estimates range up to 1 million or more. See Elizabeth Bartholet, *Where Do Black Children Belong? The Politics of Race Matching in Adoption*, 139 PENN. L. REV. 1163, 1166 n.5 (1991).

2. See Elizabeth Bartholet, *International Adoption: Overview*, ADOPTION LAW AND PRACTICE, 10-1 at 10-35 to 10-36 (Matthew Bender 1988, Supp. 1991) [hereinafter Bartholet, *International Adoption*].

manity. Register's book shows parents and children successfully transcending multiple boundaries of difference to form the most intimate of human relationships, and in this sense confirms the very positive findings contained in other studies of international adoptees and their families.³

But international adoption can also be seen as one of the ultimate forms of exploitation—the taking by the rich and powerful of the children born to the poor and powerless. In today's world it generally involves the adoption by well-to-do citizens of the United States and other industrialized nations, of the children of the least privileged groups in the poorest nations of the world. It involves the adoption by whites of black and brown skinned children from various Third World nations. It involves the separation of the adopted children not only from their birth parents, but from their racial and ethnic and cultural and national communities as well.

There are powerful forces arrayed against international adoption in today's world, arguing that children belong with their "roots" and in their communities of origin. The politics surrounding the issue are similar to those involved in the debate in this country about what should be done with the African American children who live in foster care, waiting for adoptive homes.⁴ There are not enough black adoptive families for these children, and current racial matching policies prevent their placement with the many white families eager to adopt.⁵ I and others have argued that transracial adoption should be seen as a positive solution both for the black children in need of homes and for the larger society.⁶ But black nationalists have opposed transracial adoption, arguing that it constitutes a form of racial genocide, and to date they have succeeded, with the assistance of sympathetic white policy-makers, in creating a regulatory regime in which same-race

3. The empirical studies show international adoptees and their families functioning well as compared with other adoptive families and indicate that the adoptees are able in their adoptive environments to recover to a significant degree from damaging pre-adoptive experiences. See, e.g., Bartholet, *International Adoption*, *supra* note 2, at 10-18 to 10-22; RITA SIMON & HOWARD ALTSTEIN, *INTERCOUNTRY ADOPTION* (Praeger 1991); Jan Linowitz & Neil Boothby, *Cross-Cultural Placements, UNACCOMPANIED CHILDREN* 181 ff. (New York and Oxford, 1988), at 183, 184-85; WILLIAM FEIGELMAN & ARNOLD SILVERMAN, *CHOSEN CHILDREN* 140-42, 144-45, 159-62 (Praeger 1983); Mette Rorbech, *Mit land er Danmark*, (Social Forsknings Instituttet, Copenhagen), 1989; English abstract *idem*, *Denmark—Mr Country*, (Copenhagen, 1990); I.J. Harvey, *Adoption of Vietnamese Children: An Australian Study*, 18 AUST. J. SOCIAL ISSUES, No. 1, p. 55, 59-61, 65-68 (1983); Torben Melchior, *Adoption in Denmark* at 218-19, in *ADOPTION IN WORLDWIDE PERSPECTIVE* (R.A.C. Hoksbergen ed. 1986); Gunilla Andersson, *The Adopting and Adopted Swedes and Their Contemporary Society*, at 27, in *ADOPTION IN WORLDWIDE PERSPECTIVE*, *supra*.

4. See Elizabeth Bartholet, *Where Do Black Children Belong? The Politics of Race Matching in Adoption*, *supra* note 1.

5. *Id.* at Parts III and IV, pp. 1183-1207.

6. *Id.* at Parts V-VIII, pp. 1207-56.

matching is given an extraordinarily high priority, and transracial placement is limited to extreme "last resort" status.

The tensions between the different visions of the potential of international adoption are evident in recent developments. There has been a vast increase in the last few decades in the number of children placed for adoption across international borders.⁷ Roughly 10,000 children per year have come into the United States from abroad for adoption in recent years. They comprise some one-sixth of all non-relative adoptions in this country, and a somewhat larger percentage of all infant adoptions.⁸ But this increasing openness to international adoption is colliding with a new hostility to such adoption. Political forces in the "sending countries" have been condemning in increasingly loud voices the practice of giving their countries' children—their "most precious resources"—to the imperialist North Americans and other foreigners. South Korea, the country responsible for sending more than half the children that have ever come to this country for adoption, is now eliminating its foreign adoption program, in response to pressure from various Third World countries as well as internal pressure. There is widespread acceptance of the notion that there is something shameful in sending homeless children abroad rather than taking care of "one's own."⁹

The legal regime governing international adoption is one that erects many barriers between the children in need of homes and those eager to become their parents.¹⁰ An important issue for the future is whether we should move to reduce those barriers, or move instead to make them ever more impregnable. The Hague Conference on private international law has recently embarked on a project of great significance to the future of international adoption.¹¹ The goal of the project is to come up with an international convention, agreed to by the major "sending" and "receiving" countries of the world, which would establish substantive norms and procedural mechanisms for adoptions involving different countries. This project has the potential for encouraging the development of cooperative arrangements between countries that would facilitate international adoption. And it has the potential

7. See Bartholet, *International Adoption*, *supra* note 2, at 10-6 to 10-7.

8. See National Committee for Adoption, 1989 ADOPTION FACTBOOK 61, 71-72 (D.C. 1989).

9. Government officials in South Korea recently announced that foreign adoptions would be reduced by 10-20% every year and prohibited entirely by the beginning of 1996. WALL STREET J., Mar. 12, 1990, at A6. See also N.Y. TIMES, Feb. 12, 1990, at B10. Although South Korea has announced in the past plans to phase out foreign adoption, this time the plans seem real.

10. See Bartholet, *International Adoption*, *supra* note 2, §§ 10.03-.04.

11. See generally, J.H.A. Van Loon, *Report on Intercountry Adoption*, Hague Conference on private international law, Preliminary Document No 1 (Permanent Bureau of the Conference, The Hague, Netherlands, 1990).

for encouraging reform of the laws within the United States and other countries that currently add to the difficulties of international adoption. But the Hague project could instead become a vehicle for erecting new barriers between waiting children and prospective parents.

Cheri Register deals in a rich and complicated way with what she describes as the paradox at the heart of international adoption. The title, *"Are Those Kids Yours?"*, refers to the question often posed by insensitive strangers to the adoptive parents of children from other countries. Register's answer is both yes and no—yes, the kids belong to the adoptive family, but no, because they also belong to their community of origin.¹² She gives a marvelous description of the special qualities involved in becoming part of a multi-cultural family, and some of the special positives inherent in this experience both for the members of these families and for the larger society.

While the book generally constitutes moving testimony about the positive aspects of international adoption, the author appears at certain points to accept uncritically some of the claims made by those hostile to such adoption. She takes as a given the currently popular position that international adoption should be seen only as a "last resort,"¹³ and goes on to praise South Korea for closing down its foreign adoption program. She is ready to assume, in the absence of any persuasive evidence, that South Korea will suddenly figure out how to provide care for the children previously sent abroad. She ignores the risk that the children will simply be held in institutions or in foster care, as many observers think likely, rather than placed with adoptive families. And she does not tell us why it is that national communities should be seen as having quite so absolute an entitlement to the children born within their borders. The fact is that the critics of international adoption indulge in a tremendous amount of false romanticization in their talk about the dangers of tearing children from their ethnic and cultural roots, and their communities. These critics show little concern with the realities of children's situations and of their options in their native lands. The children eligible for international adoption do not live in richly supportive "communities" where they have an opportu-

12. See CHERI REGISTER, *"ARE THOSE KIDS YOURS?"* x-xi (1991).

13. Key United Nations documents help relegate international adoption to last resort status, but simultaneously express approval of such adoption as an appropriate means of ensuring children the opportunity for a permanent and nurturing home. They are ultimately ambivalent as to the circumstances under which it is appropriate to consider international adoption. See *U.N. Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally*, G.A. Res. 85, U.N. GAOR, 41st Sess., Supp. No. 53 at 265, U.N.Doc. A/41/898 (1986), Art. 17 ("If a child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the country of origin, intercountry adoption may be considered as an alternative means of providing the child with a family").

nity to appreciate their ethnic and cultural heritage—they live in miserably inadequate institutions and on the streets.¹⁴ They are extremely unlikely to find adoptive homes in their own country. The children available for adoption are likely to be the children of the poor, and of the oppressed minority groups in the various sending countries. These children often face virulent forms of racial and ethnic discrimination in their own country, whether or not they are lucky enough to be adopted. And they often face discrimination simply because they are illegitimate, or because they have been orphaned or abandoned. In South Korea there is severe discrimination against the illegitimate children and mixed-race children who are likely to be available for adoption. And there are very negative attitudes about adoption and adoptees. This is part of why birth mothers often see adoption abroad as advantageous. It is part of why the South Korean authorities have found it difficult to place children for adoption at home, and have in the past found it so appealing to place children in foreign countries.

But the overall thrust of Cheri Register's book conveys the right message in a moving and powerful way. It is children's needs that we should focus on, and children should be understood to have entitlements to nurturing homes. They should not be seen as resources that belong in a proprietary sense to the countries in which they are born. But neither do they become entirely "ours" if adopted. They are themselves, with a cultural heritage to be honored and celebrated.

14. See Bartholet, *International Adoption*, *supra* note 2, at 10-35 to 10-36.

